

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



Wed 22a

Staff: BP-SD
Staff Report: 11/16/99
Hearing Date: 12/7-10/99

STAFF REPORT AND RECOMMENDATION ON APPEAL
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Oceanside

DECISION: Approval with Conditions

APPEAL NO.: A-6-OCN-99-133

APPLICANT: Thomas Ligouri

PROJECT DESCRIPTION: Construction of a 973 sq. ft. addition to an existing 2,528 sq. ft. single-family home on a 4,800 sq. ft. oceanfront lot.

PROJECT LOCATION: 1731 South Pacific Street, Oceanside, San Diego County.
APN 153-091-31

APPELLANTS: Allen Evans and Coastal Commissioners Sara Wan and Pedro Nava.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that substantial issue exists with respect to the grounds on which the appeal has been filed.

SUBSTANTIVE FILE DOCUMENTS: Certified City of Oceanside Local Coastal Program (LCP), A-6-OCN-99-20/Wilt

I. Appellant Contends That:

The appellants contend that the project is incompatible with existing development and is inconsistent with the stringline and other provisions of the certified Local Coastal Program (LCP). Specifically, the appellants contend that as approved by the City the project 1) extends to the limit of the stringline resulting in the furthest seaward extension of any development on the block which results in a "substantial encroachment on an already minimal viewshed, an impediment to lateral access as additional rip-rap is needed for protection and an increase in the likelihood for permanent shoreline stabilization structures; 2) represents the largest house within the project area (will be 105% larger than the average house size in the residentially-zoned properties within the 1700 block)

and as such would not be compatible with the size and scale of existing development; 3) the height of the proposed project is inconsistent with the LCP height standard.

II. Local Government Action:

The coastal development permit was approved by the City of Oceanside City Council on February 8, 1999. Several special conditions were attached which addressed rehabilitation of an existing riprap revetment, an easement for lateral public access along the shoreline adjacent to the property and a deed restriction notifying the applicant that the site may be subject to wave hazard from high tides.

III. Appeal Procedures

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Projects within cities and counties may be appealed if they are located within mapped appealable areas. The grounds for appeal are limited to the assertion that "development does not conform to the certified local coastal program." Where the project is located between the first public road and the sea or within 300 ft. of the mean high tide line, the grounds of appeal are limited to those contained in Section 30603(b) of the Coastal Act. Those grounds are that the development does not conform to the standards set forth in the certified local coastal program or the access policies set forth in the Coastal Act.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless it determines that no substantial issue is raised by the appeal. If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to a de novo hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Sec. 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process is the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo hearing, any person may testify.

Staff Recommendation On Substantial Issue.

Staff recommends that the Commission determine that SUBSTANTIAL ISSUE exists with respect to the grounds on which the appeal was filed, pursuant to PRC Section 30603.

MOTION

I move the Commission determine that Appeal No. A-6-OCN-99-133 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603.

Staff recommends a **NO** vote. Failure of the motion will result in adoption of the following resolution and findings. The Commission will then hear the application de novo. The motion passes only by affirmative vote of a majority of Commissioners present.

RESOLUTION

The Commission hereby finds that Appeal No. A-6-OCN-99-133 presents a substantial issue with respect to the grounds on which the appeal has been filed under section 30603 of the Coastal Act regarding consistency with the Certified Oceanside Local Coastal Program and/or the public access and recreation policies of the Coastal Act.

Findings and Declarations.

1. Project Description/Permit History. The proposed development involves the construction of a 973 sq. ft. addition to an existing 2,528 sq. ft. single-family home on a 4,800 sq. ft. oceanfront lot. The project site is located on the west side of South Pacific Street, just north of Cassidy Street in the City of Oceanside. The lot is 30 feet wide and extends westerly to the mean high tide line, about 160-feet. Approximately 661 sq.ft. of the proposed addition would consist of a second story addition over the existing 268 sq.ft. garage. The remaining 312 sq.ft. of the proposed addition involves the enclosing of an existing outdoor deck area to create new indoor living space. This enclosure of the deck would result in a seaward expansion of the living area of the residence. A 195 sq.ft.

garage expansion is also proposed to enclose the existing covered entryway and consolidation of that area into a 2-car garage.

The project maintains the required side yard setbacks (3 feet) as well as a 2.5-foot front yard setback, which is determined by a "block face average" of existing structures within the block area. No construction is proposed beyond the "stringline" which is measured 80 feet seaward from South Pacific Street at this site. An existing rock revetment is located near the western boundary of the site and was approved for maintenance and enhancement.

The project site is located between Buccaneer Beach and Cassidy Street. The site is a sloping coastal bluff and has a 20-foot elevation differential from Pacific Street to the existing revetment on the site. Surrounding development consists of one-and two-story single-family and multi-family residential uses on small lots.

On February 8, 1999 the City approved the project. However, the Notice of Final Action from the City was not sent to the Commission's San Diego office. Building permits were subsequently issued and the applicant began construction. Subsequently, in its review of another appealable development in the area, it was brought to Commission staff's attention that the project had not been noticed as an appealable project. The City was notified of this defect and subsequently sent the Notice of Final Action to the Commission office on October 13, 1999 and the 10-day appeal period was started and the project was appealed. The City of Oceanside issued a Stop Work Order on October 18, 1999. The issues identified by the City in its order were: 1) The front setback does not appear to be in compliance with approved plans; 2) The building is approximately 2-feet longer than what is shown on the approved plans; 3) The height of the building appears to be more than what is shown on the approved plans; and 4) There are substantial differences in floor plan and elevations from what is shown on the approved plans. The order required that plan revisions must be submitted for review and approval and a record of survey showing the location of the building with respect to all property lines and the Coastal Stringline (80 feet westerly of the front property line); finish floor elevations and height of all roofs.

2. Appellants Statements/Issues of Appeal. The appellants contend the project is incompatible with existing development and is inconsistent with the stringline and other provisions of the certified Local Coastal Program (LCP). Specifically, the appellants state that as approved by the City the project 1) extends to the limit of the stringline resulting in the furthest seaward extension of any development on the block which results on a "substantial encroachment on an already minimal viewshed, an impediment to lateral access as additional rip-rap is needed for protection and an increase in the likelihood of permits for permanent shoreline stabilization structures; 2) represents the largest house within the project area (Residentially zoned properties within the 1700 block) and as such would not be compatible with the size and scale of existing development; 3) the height of the proposed project is inconsistent with the LCP height standard.

3. Visual Impacts/Compatibility/Stringline. Three LUP Policies (#4, #7 and #8) of the "Visual Resources and Special Communities" Section of the certified Oceanside Land Use Plan (LUP) are applicable to the proposed development and state:

4. The City shall maintain existing view corridors through public rights-of-way;
8. Development of sandy beach areas shall be restricted to those areas that are directly supportive of beach usage, such as restrooms, lifeguard towers, and recreational equipment. Any such structures should minimize view blockage and be durable yet attractive;
9. The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.

The beachfront on this section of shoreline in Oceanside contains a mix of older, smaller houses that were built primarily in the 1950s and 1960s and newer, larger structures that have either replaced the older structures or have been built on the few remaining vacant lots on the beachfront. In this case, the subject lot contains an existing 2,528 sq.ft. single family dwelling which is designed as a two-story plus basement unit and would be increased in size to 3,501 sq.ft.

Regarding size, scale and neighborhood compatibility issues raised by the appellants, the average size of residences in the project area is 2,464 sq.ft (from 1609 S. Pacific to 1747 S. Pacific, including the Residential Tourist and Residential Single Family zones). With the proposed addition, the subject residence would be the largest structure in the RS Zoned properties and among the largest in the RT Zoned area. However, the LCP does not identify that new development must be within a certain size (i.e., square footage). Rather, it contains design guidelines and development standards that define the allowable building envelope of a project. Because all new development must conform to these standards, new development is assured of being compatible in height, scale, color and form with the surrounding neighborhood.

The LCP establishes a lot coverage standard of 40% to address neighborhood compatibility. The project is consistent with this standard as it proposes a 40% lot coverage. Thus, even though from a square footage standpoint the home appears bigger, the proposed project by coverage, height (as explained below), bulk and scale is generally compatible with the surrounding neighborhood as it recycles with newer development. Thus, the Commission can find no substantial issue with this part of the appeal.

Regarding height, the City identifies the proposed structure as two stories over a basement with a maximum height of 27 feet from the existing grade. The LCP height standard is 27 feet from the existing grade. Houses in the project area have varying heights; those up to 35 feet high were built before the City recently revised the height limit from 35 feet to 27 feet in 1995. The project was approved at 23-foot high for the

second story addition. The existing house may be higher than 27-feet. A "Stop Work" order was issued for the subject project on October 18th which noted that the building is being constructed with substantial differences from the approved plans. The order indicates the height of the building appears to be more than what is shown on the approved plans. While the City identified that the project is approved as a 2-story structure plus a basement floor, a condition of approval required that building plans submitted for a building permit shall demonstrate that the "basement" floor actually qualifies as a basement under the provisions of the Uniform Building Code. The Stop Work order requires that the applicant submit revised plans in that regard. However, the Commission notes that the proposed building height is not a factor in this case for purposes of determining compatibility in bulk and scale as many houses in the project area rise above the present height standard of 27 feet. Thus, the Commission cannot find this portion of the appeal raises a substantial issue with the LCP.

Regarding the stringline issue, the certified LCP contains a requirement that new development along the ocean not extend further seaward than a "stringline". The goal of limiting new development to extend no further seaward than the stringline is to restrict encroachment onto the shoreline and preserve public views along the shoreline. There is no specific land use plan policy that identifies the stringline. However, Section 1703 of the certified implementing ordinances (zoning code) addresses the stringline and states:

Section 1703 (e) (Rear Yard Setbacks)

Notwithstanding any other provisions of this section, buildings or structures located on lots contiguous to the shoreline shall be compatible in scale with existing development and shall not extend further seaward than the line established on the "Stringline Setback Map", which is kept on file in the Planning Division. Appurtenances such as open decks, patios and balconies may be allowed to extend seaward of the Stringline Setback line, providing that they do not substantially impair the views from adjoining properties.

The certified "Stringline Setback Map" was developed in 1983 by overlaying an imaginary stringline on an aerial photo of the shoreline in the City of Oceanside. The map shows how far new development may extend towards the ocean. The stringline map was based on existing building patterns, as well as anticipated future developments and remodels/expansions.

In its approval the City found the conversion of the existing additions to living space on the beach side of the property would not extend beyond the limits of the stringline as depicted on the certified Stringline Map. According to the approved plans, the existing residence extends to 74 feet from the seaward right of way of South Pacific Street and the proposed addition would extend the house to 80 feet from the right of way. The stringline represents the limits of structural expansion toward the beach. Based upon the stringline map, the stringline is measured at approximately 80-feet from the South Pacific Street property line. An at-grade existing patio and spa would remain that is seaward of

the stringline. However, Section 1703 of the certified implementing ordinances states that appurtenances such as open decks, patios and balconies may be allowed to extend seaward of the Stringline Setback line, providing that they do not substantially impair the views from adjoining properties. In this case the deck is at grade and as such should not substantially impair the views from adjoining properties or along the beach.

However, the Commission has found in other actions that building out to the stringline is not a development "right" that the applicant is entitled to automatically. Maximum buildout can only be achieved when the proposed project is found consistent with all the governing policies of the certified LCP. The appellant contends that the project will set the standard for building out to 80 feet towards the ocean in the RS zone and that others will follow resulting in a wall of houses that will block lateral visual access along the beach.

Based on a stringline analysis of the structures within the project area, however, the proposed buildout of the residence to the 80-foot stringline would be within what would be considered a "typical" stringline. As such, approval of the proposed development will not set an adverse precedent for buildout of this area that could lead to a "walling-off" effect and a reduction in available public views along the beach in this location. Because the proposed residence will not extend further seaward than other structures already constructed in the area, it will not set an adverse precedent. The concern pertaining to the "walling-off" of public views from the nearby accessways will likely be addressed on those sites adjacent to the accessways where public views are currently available. Thus, the Commission finds no substantial issue is raised by the project regarding this issue.

4. Shoreline Protective Device/Beach Encroachment. Currently riprap exists along the shoreline to protect the subject site as well as adjacent properties from adverse storm conditions. According to City officials, the bulk of the existing shoreline protection on this part of the southern Oceanside shoreline was constructed at one time prior to the passage of the Coastal Act.

In its approval, the City required the applicant to prepare a "precise Grading and Private Improvement Plan" to reflect all pavement, flatwork, landscaped areas etc. and footprints of all structures including the onsite revetment. The City required that a wave study for the project be done or that the City's standard seawall detail be used relative to maintaining the existing revetment. In this case, the applicant chose to conform to the City's seawall detail.

Section 19.B.18 of the certified Seawall Ordinance requires that shoreline protective devices not have an adverse impact on sand supply and coastal resources (public access).

Shoreline structures as defined in Article II shall be allowed when required to serve coastal dependent uses or to protect proposed or existing structures in danger from erosion and when designed to eliminate or mitigate adverse impacts on local

shoreline sand supply and other coastal resources, and where the construction is in conformance with the City's Local Coastal Plan.

The appellant has raised a concern that the revetment not encroach farther onto the public beach. The LCP provides the option to either conform to the City's seawall detail or provide a wave uprush study to determine whether new development will be adequately protected from wave uprush. The Commission is concerned about further encroachment on the beach by the revetment to protect the proposed new development. The City's approval did not address this issue. Absent an updated wave uprush study it is difficult to determine whether any further augmentation is necessary for the seawall to protect the existing development or the proposed addition seaward of the existing home. Also, the Commission is concerned about the impact of the further seaward extension of the residence if it is not known whether existing shoreline protection is adequate. Although the LCP permits the seawall to be built consistent with the seawall detail, it is unclear whether rebuilding the seawall this way will adequately protect new development as shoreline conditions have changed since the detail was developed. Because the proposed repair and maintenance work could extend further seaward than the pre-existing toe of the revetment as originally constructed, the Commission finds that substantial issue exists with respect to conformity with the LCP.

5. Public Access and Recreation. Section 30604(c) requires that a specific access finding be made for all development located between the sea and the first coastal roadway. The certified LCP contains provisions that call for the protection and enhancement of public access.

Major Finding #7 of the LUP provides:

7. The shoreline between Wisconsin and Witherby Streets is accessed by five 80 foot wide public "pocket" beaches, spaced at 450-foot intervals.

The subject site is located on the seaward side of Pacific Street. Because the lot is occupied and because of the existing revetment, there is no evidence of public use of the site to access the beach. Vertical access to the public beach is provided about 200 feet south of the project site at Cassidy Street and approximately 400 ft. north at Whaley Street, one of the above-identified pocket beaches. Thus, adequate vertical access to the shoreline is located nearby.

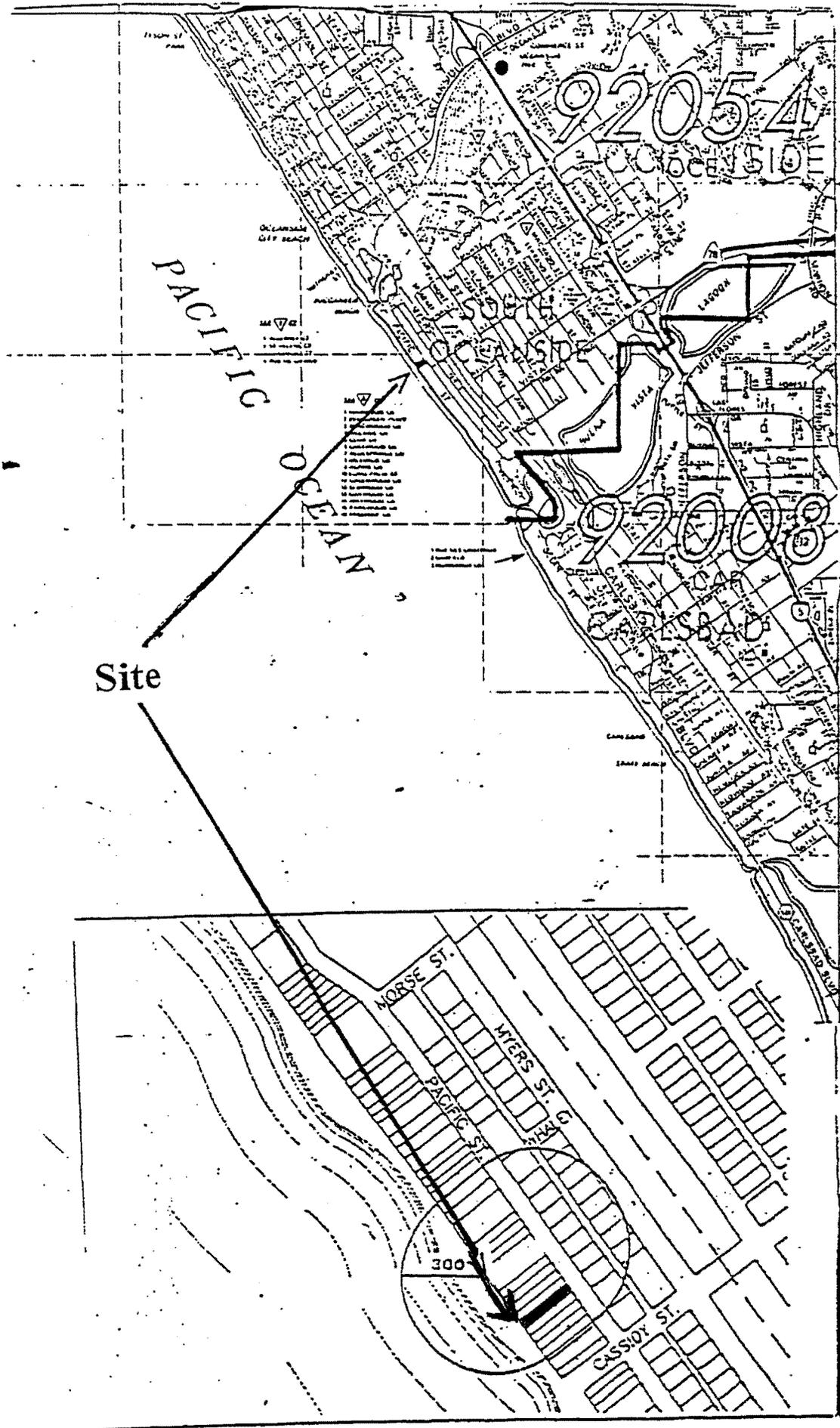
Access policy #2 of the LUP provides:

2. New public beach access shall be dedicated laterally along the sandy beach from Witherby Street south to the City limits in conjunction with restoration of the beach or new private development, whichever comes first.

The project proposes to augment an existing revetment on-site in accordance with an approved seawall detail. The City conditioned the project to provide a public access

easement from the toe of the revetment to the mean high tide line. The appellant contends that additional riprap that would have to be added to the seaward side of the revetment would represent an impediment to lateral access. Because the City's approval did not specifically state that the revetment not encroach further seaward, the Commission finds this portion of the project raises a substantial issue with respect to the public access provisions of the Coastal Act.

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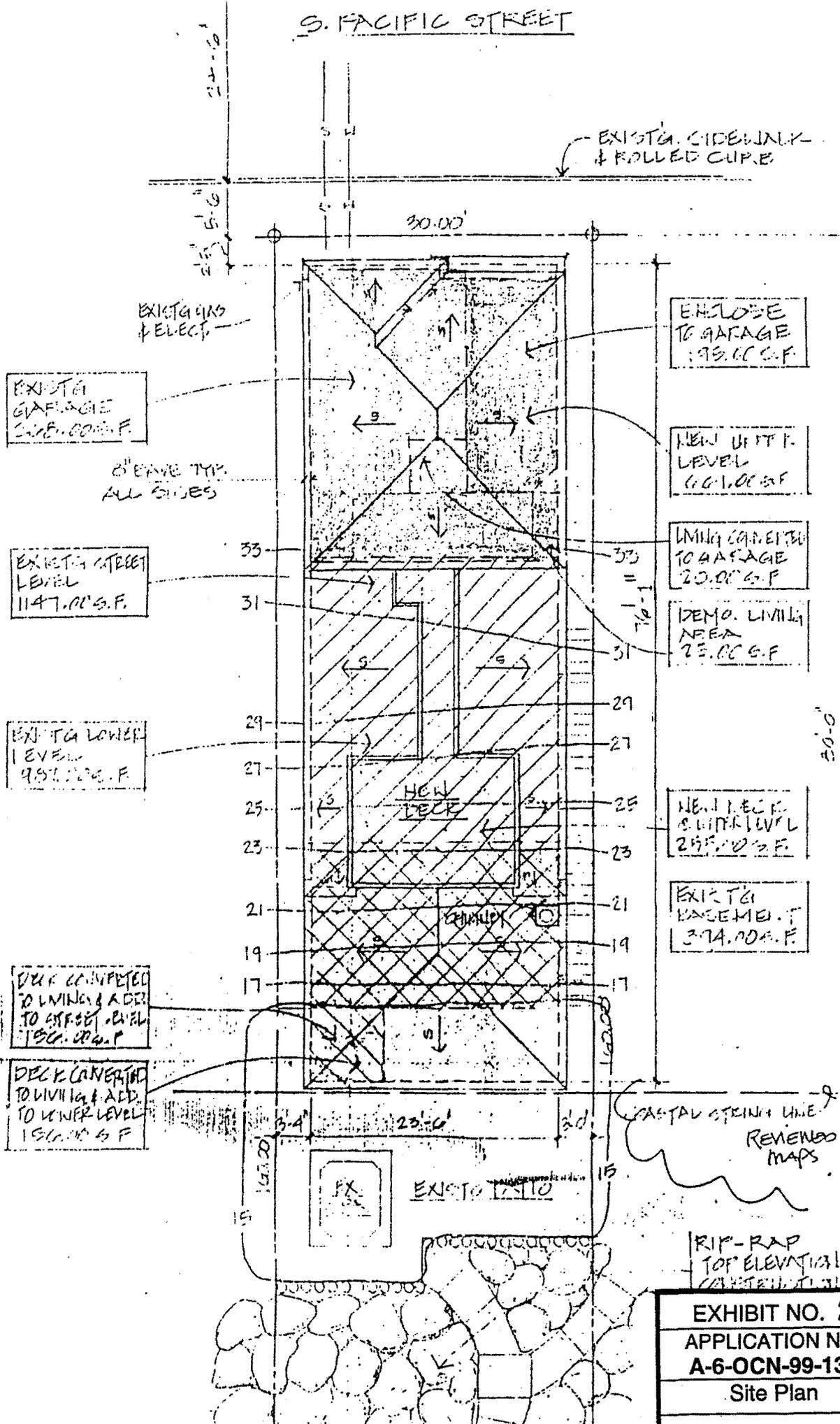


Site

EXHIBIT NO. 1
 APPLICATION NO.
 A-6-OCN-99-133
 Location Map

California Coastal Commission

S. PACIFIC STREET



ENCLOSE TO GARAGE 198.00 S.F.

NEW UNIT F. LEVEL 161.00 S.F.

LIVING CONVERSION TO GARAGE 20.00 S.F.

DEMO. LIVING AREA 25.00 S.F.

NEW DECK 245.00 S.F.

EXISTING BASEMENT 1374.00 S.F.

EXISTING GLAZING 248.00 S.F.

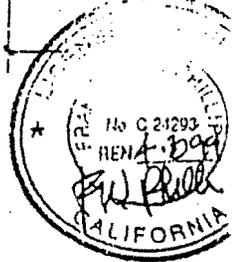
EXISTING STREET LEVEL 1147.00 S.F.

EXISTING LOWER LEVEL 981.00 S.F.

DECK CONVERSION TO LIVING & ADD. TO STREET LEVEL 150.00 S.F.

DECK CONVERSION TO LIVING & ADD. TO LOWER LEVEL 150.00 S.F.

COSTAL STRIP LINE
REVIEWED MAPS



RIP-RAP TOP ELEVATION OF 171.10 M.L.W. CONTINENTAL SHEET

EXHIBIT NO. 2
APPLICATION NO.
A-6-OCN-99-133
Site Plan

RECEIVED

OCT 13 1999

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing
This Form.

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

Allen Evans
1729 S. Pacific Street
Oceanside, CA 92054 (858) 581-4568 (w)
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Oceanside

2. Brief description of development being appealed: Ligouri Property

3. Development's location (street address, assessor's parcel no., cross street, etc.): 1731 S. Pacific Street, Oceanside CA
Cross Street - Cassidy

4. Description of decision being appealed:

- a. Approval; no special conditions: X
- b. Approval with special conditions: _____
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

EXHIBIT NO. 4
APPLICATION NO. A-6-OCN-99-133
Evans Appeal
Pages 1-5
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: February 8, 1999

7. Local government's file number (if any): RC-8-97

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Thomas A. Ligouri
1555 Stage Coach Road
Poway, CA 92064

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) See attached list

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my knowledge.

Signed *[Signature]*
Appellant or Agent

Date 10-12-99

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed _____
Appellant

Date _____

Basis for Appeal

The proposed development of the Ligouri Property (RC-8-97) is being appealed on several issues:

- Violation of the Local Coastal Program
- Violation of the Coastal Act

LOCAL COASTAL PROGRAM

The property (1731 S. Pacific Street, Oceanside) is located within the first public road in this community and the sea; therefore, under Section 30603 (b) of the Coastal Act, non-conformity with the certified local coastal program is ground for appeal.

Policy #8 of the "Visual Resources and Special Communities" section of the certified Oceanside Land Use Plan (LUP) states:

8. The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.

This development clearly violates this policy in several ways:

Height

The height of the most westerly wall extends above the 27-foot height limit required by the LCP. The result is a 3-story wall projecting farther shoreward than any other surrounding home.

Scale

The proposed home will be 105% larger than the average houses in the same zoning area ("RS"—residential single). In fact, it will be the largest home in the neighborhood. According to the Coastal Commission Staff, the average home size in the 1700 block of S. Pacific Street is 2,054 square feet. By comparison, the proposed structure represents 4,219 square feet—2,165 square feet more than the current average! This is substantial.

COASTAL ACT

The Coastal Act Policy Chapter 3, Article 6 states:

Section 30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural forms, to be visually compatible with the character of surrounding areas.

This development violates this section of the Coastal Act in several ways:

Stringline

The stringline is decided by the developer and then reviewed by the City of Oceanside. It is loosely interpreted according to a line drawn on an aerial photo. This non-technical way of determining the stringline causes it (stringline) to be inconsistently applied.

According to the California Coastal Commission Staff, "building out to the stringline is not a development 'right' that the applicant is entitled to." With this in mind, enclosing the balconies to the stringline "is not a development 'right' that the applicant is entitled to." This encroachment will result in a 3-story blockade that will dominate the down-beach public viewshed.

Precedent Setting

Should the Commission allow this development, it is highly likely that the surrounding residents will apply for permits to extend their structures to the same extent. The result will be a substantial encroachment on an already minimal viewshed, an impediment to lateral access as additional rip-rap is needed for protection, and an increase in the likelihood of permits for permanent shoreline stabilization structures.

Additionally, there are several other pertinent issues relating to this property

Premature Construction

Construction on the above site has occurred vigorously prior to the appeal process retained by the California Coastal Commission.

Undisclosed Building Plans

The current structure being built is being done according to plans that are not on file with the Oceanside Planning Department or the California Coastal Commission (the plans on file were received by the Oceanside Planning Department on January 26, 1999). This is clearly evidenced by:

- Encroachment of the structure towards the sea
- Undisclosed square feet on the beach level
- Additional height at the street level
- Additional structures above the street level

CALIFORNIA COASTAL COMMISSION

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3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Sara Wan
Mailing Address: 22350 Carbon Mesa Road
Malibu, CA
Phone Number: (310) 456-6605

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Oceanside
2. Brief description of development being appealed: Construction of a 973 sq.ft addition to an existing 2,528 sq.ft. single family dwelling
3. Development's location (street address, assessor's parcel no., cross street, etc.):
1729 S. Pacific St. Oceanside, CA 92054
4. Description of decision being appealed:
 - a. Approval; no special conditions:
 - b. Approval with special conditions:
 - c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-OCN-99-133

DATE FILED: 10/13/99

DISTRICT: San Diego

EXHIBIT NO. 5
APPLICATION NO A-6-OCN-99-133
Commission Appeal
Pages 1-8
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 2

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator
- b. City Council/Board of Supervisors
- c. Planning Commission
- d. Other

Date of local government's decision: 2/8/99

Local government's file number (if any): RC-8-97

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

Name and mailing address of permit applicant:

Thomas A Ligouri
1555 Stage Coach Road
Poway, CA 92064-6615

Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

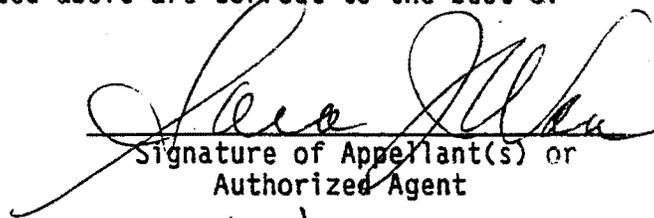
State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment "A"

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.


Signature of Appellant(s) or
Authorized Agent
Date 10/13/99

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)
Date _____

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
1111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

**ATTACHMENT "A"--Liguori Appeal**

The proposal includes a 973 sq.ft. addition to an existing 2,528 sq.ft. single family residence on a 4800 sq.ft. oceanfronting lot in Oceanside. Approximately 661 sq.ft. of the proposed 3,501 sq.ft. residence is a second story addition over the existing 268 sq.ft. garage. The remaining 312 sq.ft. already exists in the form of existing outdoor deck area which is proposed to be enclosed as new living space and represents the most seaward expansion. A 195 sq.ft. garage expansion is also proposed to enclose the existing covered entryway and consolidation of that area into a 2-car garage.

The second story addition over the garage is designed at 23 feet in height which is below the 27-foot height limit certified in the Oceanside LCP. The conversion of the existing additions to living space on the beach side of the property will not extend beyond the limits of the stringline as depicted on the certified Stringline Map. According to the plans, the existing residence extends to 74 feet from the seaward right of way of South Pacific Street and the proposed addition would extend the house to 80 feet from the right of way. The stringline represents the limits of structural expansion toward the beach. Based upon the stringline map, the stringline is measured at approximately 80-feet from the South Pacific Street property line. An existing patio and spa would remain that is seaward of the stringline. However, Section 1703 of the certified implementing ordinances states that appurtenances such as open decks, patios and balconies may be allowed to extend seaward of the Stringline Setback line, providing that they do not substantially impair the views from adjoining properties.

It appears the project approved by the City extends to the limit of the stringline and represents the largest house within the project area (Residentially zoned properties within the 1700 block). Policy 8 of the certified LUP requires that new development be compatible in scale and character with the surrounding area. As approved by the City, it appears that the project would not be compatible with the size and scale of existing development as the development will extend to the maximum limit of the stringline, resulting in the furthest seaward extension of any development on the block.

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(619) 521-8036



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Pedro Nava
Mailing Address: 925 De La Vina Street
Santa Barbera, CA 93101
Phone Number: 805 965-0043

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Oceanside
2. Brief description of development being appealed: Construction of a 973 sq.ft addition to an existing 2,528 sq.ft. single family dwelling
3. Development's location (street address, assessor's parcel no., cross street, etc.):
1729 S. Pacific St. Oceanside, CA 92054
4. Description of decision being appealed:
 - a. Approval; no special conditions:
 - b. Approval with special conditions:
 - c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-OCN-99-133

DATE FILED: 10/13/99

DISTRICT: San Diego

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 2

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator
- b. City Council/Board of Supervisors
- c. Planning Commission
- d. Other

Date of local government's decision: 2/8/99

Local government's file number (if any): RC-8-97

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

Name and mailing address of permit applicant:

Thomas A Ligouri
1555 Stage Coach Road
Poway, CA 92064-6615

Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment "A"

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or
Authorized Agent
Date 10/13/89

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)
Date _____

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**ATTACHMENT "A"--Liguori Appeal**

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The second story addition over the garage is designed at 23 feet in height which is below the 27-foot height limit certified in the Oceanside LCP. The conversion of the existing additions to living space on the beach side of the property will not extend beyond the limits of the stringline as depicted on the certified Stringline Map. According to the plans, the existing residence extends to 74 feet from the seaward right of way of South Pacific Street and the proposed addition would extend the house to 80 feet from the right of way. The stringline represents the limits of structural expansion toward the beach. Based upon the stringline map, the stringline is measured at approximately 80-feet from the South Pacific Street property line. An existing patio and spa would remain that is seaward of the stringline. However, Section 1703 of the certified implementing ordinances states that appurtenances such as open decks, patios and balconies may be allowed to extend seaward of the Stringline Setback line, providing that they do not substantially impair the views from adjoining properties.

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